

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

P.S. – Engineering – PH&ME Department –Disciplinary proceedings in connection with collapse of service Reservoir located at Seethannapeta Railway Gate, Vijayawada - Dropping of further action against Sri M.Babu, Dy.E.E. (EE OHOP) in cancellation of punishment orders – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (Vig.I(2) DEPARTMENT

G.O.Rt.No. 292

Dated:23-04-2009

Read the following:

1. G.O.Rt.No.1470, M.A. & U.D. Department, dt. 26.12.1995.
2. From Sri Ch.Koteswara Rao, IPS, COI letter no.60/COI/KR/94-31, dt. 1.6.1996.
3. G.O.Ms.No.467, M.A. & U.D. Department, dt. 8.6.1999.
4. From the A.P.A.T. orders dated 27.1.2002 in O.A. No.5686/1999 filed by Sri M.Babu, Deputy Executive Engineer.
5. From the Hon' ble High Court of A.P. interim orders dated 14.6.2005 in W.P.No.10125/2005
6. Representation of Sri M.Babu, Executive Engineer (OHOP), dated 10.2.2009.

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O R D E R:

In the G.O. 1st read above, orders were issued appointing Sri Ch. Koteswara Rao, IPS, Commissionerate of Inquiries as Inquiring Authority to enquiry into the charges framed against Sri M.Babu, Dy.E.E. and others in connection with collapse of service Reservoir located at Seethannapeta Railway Gate, Vijayawada.

2. In the reference 2nd read above, Sri Ch. Koteswara Rao, IPS, COI and Inquiring authority has submitted Enquiry Report holding that charges against Sri M.Babu are not proved. However, deviating from the findings of the Inquiring Authority Government have imposed a punishment of stoppage of (6) increments with cumulative effect on Sri M.Babu, Dy.E.E. and also debarring for promotion for a period of (5) years vide G.O. 3rd read above.

3. Aggrieved by the above punishment orders, Sri M. Babu, Dy.E.E. has filed O.A.No. 5686/1999 before the A.P.A.T. The Hon'ble A.P.A.T. vide reference 4th read above passed orders as follows:

"So, taking an overall view of the matter, when such a technical flaw were there and the authorities superior to the applicant were quite aware of the defects while approving the designs, the applicant who is a lower lever functionary cannot be made a scape-goat. Vigilance is not the proper authority to go into the defects and the defective nature of construction. After all the applicant and similarly situated persons were entrusted with the works already designed and at the initial stage itself when the Executive Engineer was present at the spot and when it is the experts opinion that the designing itself is bad it cannot be said that the applicant is responsible and punishment should be given to him. So basing upon the report of the Vigilance Commissioner, ignoring the report of the Enquiry Officer which was based upon the technical committees opinion, imposing punishment on the applicant is bad in law and cannot be sustained by this Tribunal. In this view of the matter, the impugned orders are set aside and the O.A. is allowed. Necessary benefits which were deprived to the applicant should be given to him while considering him for further promotions."

(P.T.O.)

4. Against the above A.P.A.T. orders, Govt. preferred an appeal before the High Court of A.P. by filing W.P.No.10125/2005. The Hon'ble High Court passed interim orders granting stay on the A.P.A.T. orders vide reference 5th read above and the W.P. is pending before the High Court of A.P.

5. Sri M.Babu, Dy.E.E. (EE OHOP) in his representation 6th read above while explaining his case in detail pleaded that for no fault of him he has faced suspension for more than five years and imposed with harsh punishment of stoppage of (6) increments with cumulative effect beside debarring him for promotion for a period of (5) years, though the charges framed against him are not proved. He has therefore requested to reexamine the entire issue and to consider for implementation of A.P.A.T. orders duly considering the finding of the Enquiry Officer.

6. Government after careful reexamination of the findings of Inquiring Authority and A.P.A.T. Orders, have decided to comply with the A.P.A.T. Orders by rescinding the punishment orders duly withdrawing the appeal pending before the High Court of A.P.

7. Government accordingly hereby rescind the punishment orders issued in the reference 3rd read above and exonerate Sri M.Babu, Dy.E.E. from the charges.

8. The Engineer-in-Chief (Public Health) shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. C.V.S.K. SARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Engineer-in-Chief (Public Health), Hyderabad.
The individual through ENC (PH), Hyderabad.
The Govt. Pleader for Services (MA&UD), A.P.H.C., Hyderabad.
The Accountant General of A.P., Hyderabad.
Copy to the G.P., A.P.A.T., Hyderabad.
Sf/Scs.

::FORWARDED::BY ORDER::

SECTION OFFICER